

The Ethics Review Board
City of New Orleans

Tuesday, December 13, 2011
2:30PM

Audubon Room
Danna Student Center
Loyola University
6363 St. Charles Avenue
New Orleans, LA 70118

MINUTES

Present: Rev. Cornelius Tilton, Chair; Elizabeth S. Nalty, Vice Chair; Okyeame Haley, Secretary; Rev. Dr. Don Frampton; Dr. Michael Cowan

Absent: Dr. Laura Rouzan

Staff Present: Felicia Brown, Executive Director
Steven Scheckman, General Counsel
Victoria Smith, Office Assistant Trainee

Guest(s): Edouard R. Quatrevaux, Inspector General
Janet Werkman, First Assistant Inspector General

A quorum being present, the chair called the meeting to order at 3:19pm. Motion to approve the meeting agenda offered by Dr. Cowan and seconded by Ms. Nalty. The motion passed unanimously.

Dr. Cowan moved for approval of the November 1, 2011, meeting minutes, (the executive director notes a correction on page 3 to reflect the name of Judy Nadler); seconded by Mr. Haley. The motion passed unanimously.

Rev. Tilton recognized Inspector General Edouard Quatrevaux.

Inspector General Report:

Mr. Quatrevaux acknowledged Janet Werkman, First Assistant Inspector General, who would discuss the recently released report on the system of courts within New Orleans. He indicated that the report of the OPP invoices revealed no inaccuracies. The report would soon be released. The OIG report on the Aviation Board's credit card expenses is in progress.

Ms. Werkman provided an overview of the report *Assessment of New Orleans' System of City Courts and Performance Review of New Orleans Traffic Court* released last month. She characterized the current system of courts within New Orleans, noting the city maintains the only traffic court in Louisiana. The IG's office evaluated effectiveness and efficiencies in court

operating costs and functions (workloads/caseloads) and applied standards developed by the Louisiana Supreme Court's Judiciary Council. The city of Baton Rouge was selected for comparison with New Orleans, given the similarities of the two jurisdictions. The evaluation revealed that the city requires about six courts for its present caseload. In particular, a merger of traffic and municipal courts would yield a savings of \$2.5 million and would permit better apportionment of cases. A number of inefficiencies were also discovered during the evaluation process.

Ms. Werkman also indicated that since 2005 there has not been a proper accounting of fees collected. With respect to Traffic Court, it was noted that judges were allocating fees collected to the court's Judicial Expense Fund rather than entities designated (e.g., Crimestoppers, Indigent Defender Fund, Orleans Parish District Attorney) to receive such fees. It was estimated that \$1.3 million had been deposited to the fund. Additionally, the courts have failed to adopt the proper internal controls (e.g., segregation of duties, restricting database access); although, these have been brought to their attention in the past. The following practices were also noted: "fixing" of tickets, city attorney maintains no data on the disposition of cases, lack of convictions for moving violations, except in the case of DWIs, and improper dismissal of charges. The judges have indicated their intent to implement appropriate changes.

In response to Mr. Haley's question with respect to why the city would not move to consolidation, it was acknowledged that consolidation would lead to certain efficiencies and allow for better distribution of resources and allocation of workloads, but legislative action is required to do so. Mr. Quatrevaux stated the Supreme Court requested copies of the report. Both Mr. Haley and Dr. Cowan complimented Ms. Werkman on her service and contribution to the OIG as well as the city. The chair also extended his well wishes to Ms. Werkman as she prepares to depart and praised her efforts, especially with respect to efforts and support in the formation of IG's office. Ms. Werkman expressed her appreciation for the opportunity to serve the city of New Orleans.

Rev. Tilton inquired about the IG's work plan for review of DBE (Disadvantaged Business Enterprise) processes; the inspector general stated that an evaluation had been initiated. That evaluation didn't proceed given the transition; however, a public letter had been issued August 2010, noting the program was under-resourced/understaffed, there was a lack of understanding of the law, and no written policies were in place. Mr. Quatrevaux stated the possibility of a full review in 2013.

A discussion then ensued with regard to the perceived needs and risks among ethics education target audiences. The executive director identified the following populations as target audiences: elected officials, appointed officials, public employees, board and commission members, contractors, and citizens. She inquired if there were agencies/departments that might be the focus for initial ethics training based on perceptions and insights of the board. Dr. Cowan inquired about the greatest risks among the identified groups; Ms. Nalty asked about the availability of a complete list of board and commission members. It was noted that the OIG has identified 88 boards and commissions which receive public funds and that a handbook as a guide for operations would serve as a valuable resource to them. Indication that among groupings there is some overlap, but particular attention should be given where there is the opportunity for

discretion to be exercised. Dr. Cowan proposed further refinement of the categories among city employees.

Rev. Tilton offered the following in terms of priority groupings: 1. city employees, 2. elected/appointed officials, 3. contractors, 4. board and commission members, 5. citizens. He further noted that with proper supervision risks for improprieties diminish and that boards and commissions need to have an understanding of their fiduciary responsibilities.

Mr. Haley questioned the need to provide training for contractors doing business with the city. The inspector general stated that doing so creates a level of awareness and that OIG staff have implemented fraud awareness for contractors recently. There is a need to also distinguish between actions that reflect business practices and those that rise to the level of ethics issues. Felicia Brown noted that some jurisdictions have developed ethics training specific to contractors.

Before moving to the executive director's report, the chair asked that discussion of a strategic planning retreat be added to the agenda. The planning process would allow for clarity of roles and responsibilities, as well as strategy development for education and enforcement. The chair mentioned conversations with staff of the State Ethics Board and future meetings with city administrators and IG staff with regard to ethics education. Dr. Frampton expressed his desire to engage in such a process in order to more fully appreciate the ERB's functions and role. The following dates were proposed for the retreat Thursday, January 12 and Thursday, January 19th. The retreat would have to be properly noticed to conform to the open meeting laws. Board members were requested to provide suggestions for location sites and possible facilitators to the executive director. Those recommendations should be provided by Friday, December 16.

Executive Director Report:

With respect to outreach and engagement, Ms. Brown indicated she met with Lucas Diaz, director of the office of neighborhood engagement. The draft document contained in the board packet is to serve as information and background about the city's approach to community participation. She noted the office can provide assistance with regard to development of an engagement strategy and highlighted the points raised in her conversation with Mr. Diaz. Ms. Brown also met with Elton Jones, director of NOA-TV, about the development of a public service announcement and other media for highlighting the work of the ERB. In response to Ms. Nalty's question about the receptiveness of the station, Ms. Brown articulated that Mr. Jones was eager to work with the ERB. There was further discussion about the link provided to the Chicago Ethics Board YouTube video, specifically content, individuals featured in the video, and its length.

Regarding ethics education and awareness, the executive director reported on the draft survey and stated it was the result of her initial meeting with Drs. Cowan and Rouzan. She expressed the possibility of retaining a professional research organization and/or individual to develop and administer the survey across city government as well as separate opinion polling for citizens. Dr. Cowan noted the qualitative and quantitative strategy that the ERB might pursue in this regard and referenced his work in the community with the Crime Coalition; he identified the Survey Research Center (UNO) as a possible entity with which to work. The chair recognized the value

of the surveying and the initial baseline data such a process might yield. Concerns articulated about costs for surveying and polling.

COGEL conference: The executive director observed that COGEL was a good opportunity to network with other professionals in the field; however, she noted the difficulty of fully addressing disparate interests (e.g., ethics, campaign finance, FOIA) among attendees. Dr. Cowan commented that he would provide feedback and suggestions to the organization with respect to local and municipal jurisdictions, indicating the focus on state and national concerns and encouraged other conference participants to do the same. There was discussion of the ERB's meeting with Judy Nadler, senior fellow in government ethics at the Markkula Center, and the insight and observations she provided with respect to Santa Clara's development of its Ethics and Values Code and their process for public engagement. Mr. Haley also pointed out that table topic discussions addressed some local concerns. The chair offered comparison of issues facing New Orleans and Louisiana in light of concerns faced by other jurisdictions in terms of budget constraints, gravity of ethics violations, and bureaucracies created to address various issues.

At 4:46pm Ms. Nalty moved to enter executive session, Mr. Haley seconded. All were in favor and the motion passed.

Dr. Frampton moved to resume open session which was seconded by Mr. Haley. All were in favor and the motion passed unanimously. The board resumed open session at 4:57pm.

Meeting adjourned at 4:58pm.